



U.S. DISTRICT & BANKRUPTCY COURTS FOR THE DISTRICT OF IDAHO 2003 ANNUAL REPORT SUMMARY



OVERVIEW

2003 was a challenging yet rewarding year. Despite record high bankruptcy filings and criminal filings, the District of Idaho managed to fulfill the commitment in our Mission Statement with respect to the “just, timely and economical resolution of legal proceedings.”

A Bill was introduced in Congress to create a much-needed additional district judgeship in Idaho. However, despite passing the Senate and being referred to the House, it now seems unlikely that this effort will be successful until after the 2004 presidential election. During 2003, a major renovation of the Boise 6th floor courtrooms was undertaken, which will result in increased accessibility and installation of the latest audio/visual equipment. Additionally, Circuit approval was received to construct a new leased courthouse in Coeur d’Alene to replace the present historical facility.

Communication and access to information continued to be essential components for the District of Idaho. The 2003 Annual District Conference, presented in three different cities, reached over 350 attorneys. Our Internet website had over seventeen million hits, which represented a 25% increase. The Fax- Noticing and E-mail Service of Orders programs continue to be unqualified successes. During 2003, the Community Outreach Grant Program awarded funds to four worthy recipient organizations. Bar participation has markedly increased in the Pro Se/ Pro Bono Program as well as in the utilization of Alternative Dispute Resolution options.

Despite ongoing severe budgetary constraints and the compelling need for additional judicial resources, we remain committed to providing the highest quality of service to the bar and public.

B. Lynn Winmill, Chief District Judge
Larry M. Boyle, Chief Magistrate Judge

Jim D. Pappas, Chief Bankruptcy Judge
Cameron S. Burke, Court Executive

THIRD DISTRICT JUDGESHIP EFFORTS

“Access to Justice ”...

The Federal Judges joined U.S. Senator Larry Craig during a press conference at the federal courthouse in Boise on May 19, 2003 to announce that the bill to create a third additional permanent federal district court judgeship for the District of Idaho (S.878), unanimously passed the Senate Judiciary Committee by a vote of 18-0. Despite the rapid growth in population in our geographically expansive state, Idaho is currently one of only three states that has only two federal district judgeships. Criminal filings, in particular, have increased 60 percent over the last five years and are growing in complexity. Due to the burgeoning caseload and lack of judicial resources, the District of Idaho was grateful to receive the assistance of visiting judges 47 times in 2003.

BOISE COURTROOM RENOVATION

The sixth floor courtroom renovation project in Boise is nearing completion after approximately nine months. This project will result in increased accessibility and the latest audio/visual equipment. The new systems include: infra-red technology for assisted listening and language interpretation; a fully integrated audio and video presentation system controlled by AMX touch-screen panels; and both audio and video conferencing capability.

COEUR D'ALENE PROJECT

GSA conducted a feasibility study which concluded that a new leased facility would best meet the future needs of the court. Upon request of the court, the Ninth Circuit Space and Security Committee approved approximately 25,000 square feet of expansion space in Coeur d'Alene. This new leased facility will include a full-sized district courtroom, a visiting judge courtroom, three chambers, jury facilities and expansion space for the Clerk's Office and Probation & Pretrial Services.

INTERNET

The District of Idaho's website: www.id.uscourts.gov received 17,347,192 successful "hits" during 2003, which represents a 25% increase over the previous year. The number of user sessions also rose 17%. In addition to providing the latest news in a scrolling announcement format, the homepage allows instantaneous access to case pleadings and docket information, judgments, court calendars, notices of upcoming events, local rules, general orders, interactive forms, various attorney resources, jury information, plans, reports, monthly statistics, pro se handbooks, procedural manuals, in addition to community outreach programs, student and historical sections.

CRIMINAL PILOT PROJECT

During 2003, the District of Idaho participated in a pilot project to evaluate electronic access to criminal case files. While most federal courts did not offer electronic access to criminal pleadings and docket information, the District of Idaho was chosen to evaluate the impact of open access to criminal cases on individual privacy rights and the public's interest in this information. As a result of comments from the courts participating in the pilot project, the Judicial Conference of the United States agreed to allow remote public access to criminal cases.

"Community Outreach" ...

ANNUAL DISTRICT CONFERENCE

Because of the overwhelming turnout and success of last year's "road show" program, the 2003 Annual District Conference/Federal Practice Program was once again held in three different cities: Lewiston; Idaho Falls; and Boise. Conference topics included: Our Future with Electronic Case Filing; Top 20 Evidence Tips from the Bench; Just Results and Alternative Dispute Resolution; The Electronic Medium - Effective Evidence Presentation; State and Federal Court Comparisons; and a Federal Judges' Panel Q&A. Chief Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals was the keynote speaker at the Boise program. Over 350 attorneys attended these Conferences, which were approved for 6.25 CLE credits.

COMMUNITY OUTREACH GRANT PROGRAM

The Board of Judges and lawyer representatives again approved funding for the Community Outreach Grant program during 2003 in the amount of \$7700. The following groups received grants: the Idaho State Bar Citizens' Law Academy; the Sixth District Bar Citizens' Law Academy; the YMCA Youth Government Program, and Bishop Kelly, who was the winner of the State Mock Trial Competition. Any interested association or organization may

apply for funding for programs, which enhance public trust and confidence in the judiciary, promote better understanding of the Judiciary and legal processes, or improve communication with the public about the role of courts and the legal process.

PRO SE / PRO BONO PROGRAM

During 2003, the Court held meetings in Boise and Pocatello with the managing partners of several large Idaho law firms to discuss the beneficial aspects of the Court's existing Pro Se - Pro Bono Program. The Program was initiated to assist with the out-of-pocket expenses for attorneys appointed to represent indigent litigants in meritorious civil and bankruptcy cases not covered by the Criminal Justice Act (CJA). In recognition that volunteer legal services impose a financial burden, out-of-pocket expenses are now reimbursed up to \$1500. Funding for this program comes from the Court's Non-Appropriated Fund derived from attorney admission and pro hac vice fees. These cases provide an excellent opportunity for attorneys to gain valuable federal court procedural and litigation experience. During 2003, the Court recognized several attorneys for representing inmates without monetary compensation in the federal correctional system in the resolution of the inmates' civil rights claims.

"Public Trust and Confidence" ...

JUDICIAL SERVICE ON NATIONAL COMMITTEES

Chief District Judge B. Lynn Winmill continues his three-year term of service on the United States Judicial Conference Committee on Information Technology. The Committee includes a total of fourteen judges from federal courts across the country. Some of the duties of this committee include reviewing and recommending programs that support information technology such as electronic public access, courtroom technology, electronic filing and voice telecommunications programs.

Chief Magistrate Judge Larry M. Boyle continues his second three-year term of service on the United States Judicial Conference Committee on the Administration of the Magistrate Judges System. The Committee consists of eleven district judges and three magistrate judges representing all of the federal circuits. The Committee makes policy recommendations to the United States Judicial Conference relating to the administration of the Magistrate Judge System, which includes evaluating the requests of the federal districts for creation of additional magistrate judge positions, making changes in the number and location of magistrate judges, amendments to the Federal Rules of Civil and Criminal Procedure, the recall into service of retired magistrate judges, and other matters of policy concerning the federal judiciary.

CHIEF BANKRUPTCY JUDGE APPOINTED TO SECOND TERM

The United States Court of Appeals for the Ninth Circuit announced the reappointment of Chief United States Bankruptcy Judge Jim D. Pappas to a second, 14-year term commencing in 2004. Chief Judge Pappas maintains his primary chambers in Boise, but also conducts court in Pocatello and Twin Falls. He is one of two full-time federal bankruptcy judges in Idaho. In addition, over the years, Chief Judge Pappas has been assigned to preside over bankruptcy cases throughout the western United States both as a trial and appellate judge. Chief Judge Pappas was first appointed to the bench in 1990. He was elevated to Chief Judge in 1993. Chief Judge Pappas has served as the Chair of the Ninth Circuit Conference of Bankruptcy Judges and as a member of the Ninth Circuit Judicial Council. He has served as an Associate Editor of The American Bankruptcy Law Journal and was recently appointed by Chief Justice William Rehnquist to serve on the Federal Judicial Center's Bankruptcy Education Committee.

NINTH CIRCUIT THREE- JUDGE PANEL SITS IN BOISE

A Three-Judge Panel from the Ninth Circuit Court of Appeals sat in Boise in May, 2003 to hear follow-up oral arguments in a case originally tried in the District of Idaho. The participating judges included Judge Stephen S. Trott, Judge Donald P. Lay (8th Circuit) and Judge Marsha L. Berzon. The proceedings

were held in the historic, turn-of-the-century courtroom located in the Old Post Office Building at 8th and Bannock, which was the first federal courthouse in Boise.

NEW PROBATION & PRETRIAL SERVICES CHIEF APPOINTED

Marilyn M. Grisham was appointed as the Chief of Probation and Pretrial Services on September 11, 2003. Prior to her appointment, Marilyn served as the Supervising U.S. Probation Officer, a Senior U.S. Probation Officer/Drug & Alcohol Treatment Specialist and a Presentence Investigator/

Supervision Officer. Ms. Grisham's wide ranging administrative experience includes expertise in team management, budget management and process improvement. She was selected to assist the Department of Justice in developing policies for the Mandatory Victim Restitution Act. She has served on various committees, including the Gender Fairness Committee and the National Committee for the Development of the Petty Offense Presentence Report. Ms. Grisham served as the Director of the Race to Robie Creek, one of the Northwest's premier half-marathons and has also won the event four times.

COURT MISSION AWARDS

The Court Mission Award winners for 2003 included Anne Lawron, Joanne Cook, Dana Hoyle, Cecelia Ashinhurst, Clay Hansen, Susan Mohr and Kandie Clark. These individuals were recognized by their peers for their exceptional and outstanding performance in supporting

the Mission Statement for the District of Idaho. It is our goal to provide the highest quality of service to judicial officers, the court, public and bar in an exceptional, courteous, timely, and professional manner. The Court Mission Award is not intended to reward just hard work or long hours. These worthy recipients demonstrated sustained professionalism in regard to excellent service, outstanding quality of services or exceptional teamwork under extraordinary circumstances.

"Independence and Accountability" ...

OUTSIDE AUDIT

In February 2003, the District of Idaho underwent a comprehensive outside audit conducted by the accounting firm of Clifton Gunderson. Although internal audits are performed annually, outside audits generally occur on a four-year cycle. The overall results of the 2003 audit were very positive, with no material findings. The

audit report reflected that the court had accurately accounted for \$13,514,843 in receipts during this period and the \$11,821,703 invested on behalf of others.

"Expedition and Timeliness" ...

VIDEO CONFERENCING

Continued use of video conferencing has resulted in significant savings of time, money, and personnel resources over the past years. This valuable resource is especially advantageous in districts like Idaho where vast geographic distances separate court locations. Video conferencing is not

limited to court proceedings, but is used extensively to connect divisional offices during various judicial,

supervisory, committee and staff meetings. Its usage during the calendar year is well in excess of two hundred hours.

FAX NOTICING AND E-MAIL SERVICE OF ORDERS

Earlier implemented electronic innovations such as the E-mail Service of Orders Program in Bankruptcy Court and the Fax Notice Program in District Court continued to be successfully utilized during 2003. These programs allow for instantaneous communication and dissemination to the Bar, via either the e-mail

or fax medium of signed court orders, criminal or civil judgments that have been entered, or notices that have been filed. To enroll in either of these programs, attorneys simply have to log onto our website and complete the information form.

CASE MANAGEMENT

During 2003, Bankruptcy filings reached an historic high of 9,502 filings, which represents an increase of 8% from the prior year. Criminal case filings, which increased by 13%, also reached their zenith during this period. Over the past two years, criminal filings have nearly doubled

whereas civil filings have decreased 7%. The number of criminal trials increased by 29% while the total number of combined civil and criminal trials rose 11%.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The District of Idaho's ADR program currently consists of the following ADR options: Mediation; Arbitration; and Judicially-Supervised Settlement Conferences. In addition, pilot programs are also being implemented for Early Neutral Evaluation, Settlement Days and Visiting Judge-hosted Mediation Sessions. All district and magistrate judges now

require parties in any civil case to either participate in mediation or designate an ADR option as part of their Litigation Plan or Scheduling Order.

During 2003, about 123 cases were referred to mediation and settlement was achieved in approximately 67% of those cases. In addition, there were 21 judicial settlement conferences conducted by the magistrate judges, with a success rate of approximately 65%. Alternative Dispute Resolution continues to gain acceptance in the local legal culture of Idaho. ADR was a featured topic of presentation and discussion during this year's Annual District Conference / Federal Practice Program.

SOFTWARE IMPLEMENTATION

Court-wide computer security training, the migration to Lotus Notes version 6.0, the installation of an enhanced Voice Mail system, the upgrade of the FAS4T accounting system software and the cyclical replacement of numerous PC's were only some

of the technological improvements and upgrades implemented during 2003. In addition, the recent installation of "streaming video" will now allow staff members to view all of the satellite-transmitted training presented by the Federal Judicial Center at their desks on their individual PC's.

"Cooperation and Collaboration"...

FEDERAL & STATE JUDICIARY JOINT EFFORTS

Over the years, the collaborative efforts of the District of Idaho and Idaho State Supreme Court have resulted in important initiatives in areas such as civility; gender fairness, alternative dispute resolution and the sharing of courtroom facilities. The semi-annual meetings have proven very beneficial in fostering mutual

understanding and respect between the two court systems. The federal bankruptcy judges and lawyer representative Joe Meier worked together during 2003 in organizing bankruptcy law programs for state court judges. The program for the state magistrate judges took place in November, 2003 while the state district judge program was held in January, 2004. During 2003, the state and federal judiciary also jointly sponsored a number of court interpreter orientation and skill-building workshops as well as offering the certification examination.

LAWYER REPRESENTATIVES

Ron Kerl was appointed to a three-year term as lawyer representative replacing outgoing representative Larry Westberg in November, 2003. Mr. Kerl joins current lawyer representatives, R. Bruce Owens and Joe Meier. Typical duties of the lawyer representatives include: serving as the representative of the Bar to advance opinions and suggestions for improvement; assisting the Court in the implementation of new programs or procedures, serving on Federal Court committees, and developing curriculum for training programs. The Lawyer Representative Selection Plan ensures statewide representation based on the percentage of lawyers in each judicial district. The 2003 representative was chosen from the 6th or 7th Judicial District. The 2004 representative will be chosen from the 3rd or 5th Judicial District.

ANNUAL CJA CONFERENCE

The Annual Western All-Star Conference and Confabulation, held in August, 2003, was co-sponsored by the District of Idaho and Federal Defenders of Eastern Washington and Idaho. The one-day, “nuts-and-bolts” type seminar focused on the importance of opening and closing arguments by examining actual cases tried by federal defenders across the country. Participants learned how these lawyers developed their theories, themes and successful strategies. The Federal Defenders Annual Death Penalty Conference also co-sponsored by the District of Idaho was held on the following day, and examined the various ramifications of the *Ring* and *Atkins* decisions.

BANKRUPTCY LOCAL RULES COMMITTEE

During 2003, a diverse committee comprised of bankruptcy judges, bankruptcy practitioners, lawyer representatives, the U.S. Trustee, and bankruptcy court administrators completed their periodic revision of the Bankruptcy Local Rules. The revisions included changes in how a bankruptcy hearing may be vacated or continued and the new requirements for hearings on relief from stay motions. After a month-long comment period to the Bar, these rules were adopted as proposed and became effective on January 1, 2004.

CONTINUITY OF OPERATIONS PLAN (COOP)

The District of Idaho began work in 2003 on a Continuity of Operations Plan (COOP). When adopted and implemented, this Plan will provide alternatives to the Court in the event of an emergency. Some of the issues specifically covered include: defining the essential functions of the court and devising strategies that would ensure their prompt resumption or continuation in either short or long-term emergencies; determining possible alternative courtroom and clerks office locations; developing contingency plans for automation support at new locations; and addressing communication strategies.

"Equality, Fairness, and Integrity"...

COURTWIDE TRAINING

As a follow-up to the diversity training, in 2003 the District of Idaho participated in a workshop entitled "Analysis v. Assumption in the Workplace." This program was designed by the Federal Judicial Center (FJC) to improve relations among groups, individuals, generations, organizational levels as well as court users. The fast-moving, interactive program asked us to question our generalizations that we use to develop our assumptions. The program helped us understand how to avoid unintentional biases, improve communication and understand how perceptions are developed.

**JURY SYSTEM
ENHANCEMENTS**

2003 saw the implementation of a new automated voice messaging system (AJIS), which integrates with the existing jury management system. AJIS offers an extensive automated outbound calling component to remind jurors of their reporting date or inform them of revised reporting times, or cancellations. The new system also allows jurors "24-7" accessibility, whereby they can confirm their instructions or hear the status of their individual requests either by calling in or via the Internet. Furthermore, effective January 1, 2004, the length of the petit jury term in the Northern division has been shortened from three months to two months, one appearance or one trial. The petit jury term in both the Southern and Eastern divisions has been one month, one appearance or one trial for quite some time.

**District of Idaho
Judicial & Administrative Officers**

Stephen S. Trott	Judge, Ninth Circuit Court of Appeals
Thomas G. Nelson	Judge, Ninth Circuit Court of Appeals
B. Lynn Winmill	Chief District Judge
Edward J. Lodge	District Judge
Jim D. Pappas	Chief Bankruptcy Judge
Terry L. Myers	Bankruptcy Judge
Larry M. Boyle	Chief Magistrate Judge
Mikel H. Williams	Magistrate Judge
Cameron S. Burke	Court Executive
Sue Beitia	Chief Deputy Clerk

Please Note: A more detailed and statistically complete version is accessible on our website at www.id.uscourts.gov under Publications / Reports.

2003 Caseload Highlights

Civil

- Civil filings down 7%.
- Eastern civil case filings up 19%.
- Pro Se filings accounted for 28% of all civil filings.
- Private Civil Rights cases up 28%.
- Forfeiture actions up 267%.

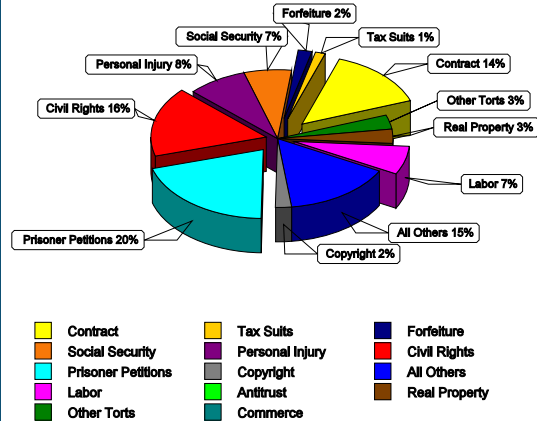
Criminal

- Criminal case filings up 13%.
- Pending criminal cases up 3%.
- Criminal case terminations up 35%.
- Northern criminal def. filings up 92%.
- Eastern criminal case filings up 91%.
- Violent crime cases up 109%.
- Immigration violations increased 69%.
- Fraud cases increased 37%.
- Number of criminal trials up 29%.
- Number of criminal trial hours up 21%.

Civil Workload

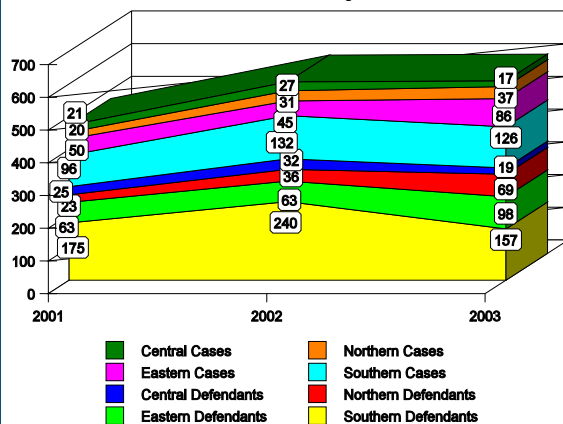
	2001	% Change	2002	% Change	2003
Civil Filings	666	-7%	619	-7%	577
Civil Terminations	703	-7%	656	-11%	582
Pending Civil Cases	762	-5%	725	-1%	720

2003 CIVIL CASE FILINGS BY TYPE



CRIMINAL FILINGS BY DIVISION

For the 12 Month Period Ending December 31



District Court Judge Trial and Hearing Activity

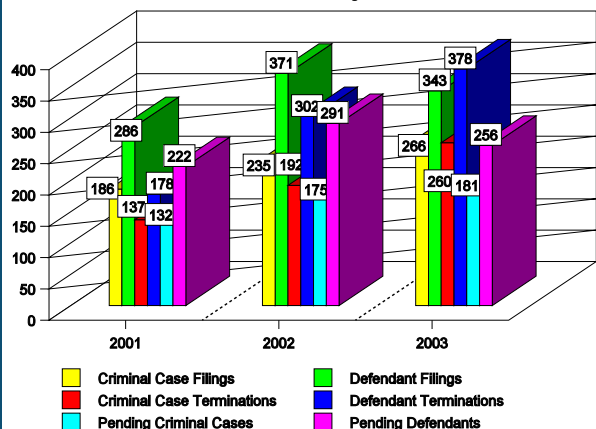
	2001	% Change	2002	% Change	2003
Civil					
Number of Trials	29	-31%	20	-25%	15
Days in Trial	151	-48%	79	4%	82
Hours in Trial	763	-52%	364	16%	424
Criminal					
Number of Trials	35	20%	42	29%	54
Days in Trial	81	37%	111	15%	128
Hours in Trial	330	27%	418	24%	518

Criminal Workload

	2001	% Change	2002	% Change	2003
Criminal Case Filings	186	26%	235	13%	266
Defendant Filings	286	30%	371	-8%	343
Criminal Case Terminations	137	40%	192	35%	260
Defendant Terminations	178	70%	302	25%	378
Pending Criminal Cases	132	33%	175	3%	181
Pending Criminal Defendants	222	31%	291	-12%	256

CRIMINAL CASE WORKLOAD

For the 12 Month Period Ending December 31



2003 Caseload Highlights

Bankruptcy

- Bankruptcy filings up 8% overall.
- Chapter 7 filings up 10%.
- Chapter 13 filings up 1%.
- Pocatello filings up 9%.
- Coeur d'Alene filings up 5%.
- Boise filings up 9%.
- Twin Falls filings up 15%.
- Bankruptcy Court hours down 6%.
- Moscow Bankruptcy hours up 29%.
- Coeur d'Alene hours up 5%.

Other Noteworthy Items

- Percentage of jurors not selected, serving or challenged decreases 6%.
- Internet web site hits top 17.3 million.
- Internet web site hits increase 25%.
- Internet web site user sessions up 17%.

Bankruptcy Filings by Chapter

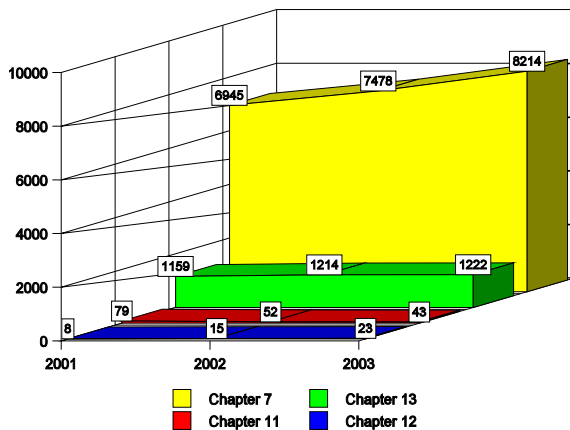
	2001	% Change	2002	% Change	2003
Chapter 7	6,945	8%	7,478	10%	8,214
Chapter 11	79	-34%	52	-17%	43
Chapter 12	8	88%	15	53%	23
Chapter 13	1,159	5%	1,214	1%	1,222
Sub-Total	8,191	7%	8,759	8%	9,502

Bankruptcy Filings by Location

	Boise	Pocatello	Moscow	Coeur d'Alene	Twin Falls	Total
2001	3,887	1,619	499	1,300	886	8,191
% Change	11%	-2%	-9%	14%	2%	7%
2002	4,334	1,582	456	1,479	908	8,759
% Change	9%	9%	6%	5%	15%	8%
2003	4,713	1,717	484	1,547	1,041	9,502

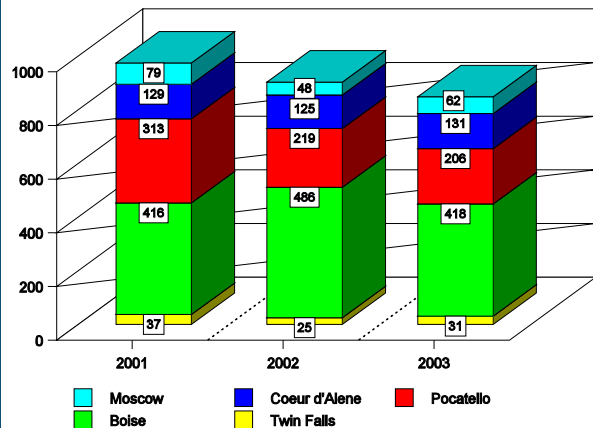
BANKRUPTCY FILINGS BY CHAPTER

For the 12 Month Period Ending December 31



BANKRUPTCY COURT HOURS BY LOCATION

For the 12 Month Period Ending December 31



Internet Website Usage

	2001	% Change	2002	% Change	2003
Total Number of Successful Hits	9,625,403	45%	13,918,855	25%	17,347,025
Total Number of User Sessions	530,311	20%	637,547	17%	745,650
Average Hits per Day	26,370	45%	38,133	25%	47,526
Average User Sessions per Day	1,452	20%	1,746	17%	2,042

Juror Utilization

	2001	% Change	2002	% Change	2003
Civil Jury Trials	10	20%	12	-33%	8
Criminal Jury Trials	13	23%	16	25%	20
Total Jury Trials	23	22%	28	0%	28
Selected or Serving	248	21%	299	7%	319
Challenged	311	38%	430	1%	433
Not Selected, Serving or Challenged	98	129%	224	-26%	165
Jurors Reporting	657	45%	953	-4%	917
% Not Selected, Serving or Challenged	15%	9%	24%	-6%	18%